

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:23-00121

LANSEN SHARIF WAUGH

**MEMORANDUM OPINION AND ORDER**

Pending before the court is the motion of the defendant Lansen Sharif Waugh for a continuance of the trial in this matter. (ECF No. 21.) Counsel for defendant states that he needs additional time to work at resolving this matter by entry of a guilty plea. He states that he has received a proposed plea agreement but needs time to go over it with his client and he is unable to do so before the trial date which is set to begin in a few days. The government does not object to a continuance.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** defendant's motion to continue. In deciding to grant defendant's motion, the court considered the factors outlined in 18 U.S.C. § 3161(h)(7)(B) and finds that denying the motion "would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the

exercise of due diligence.” Id. § 3161(h)(7)(B)(iv).

Furthermore, were the court to push forward with the trial as scheduled, the court would need to appoint a new attorney and this would deny defendant continuity of counsel. See id.

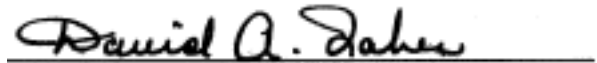
Accordingly, the court hereby **ORDERS** as follows:

1. Trial of this action is continued to April 9, 2024, at 9:30 a.m. in Bluefield; and
2. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to all counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

**IT IS SO ORDERED** this 23rd day of February, 2024.

ENTER:

A handwritten signature in black ink, appearing to read "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge